Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

APPLICATION FOR RIGHT-OF-WAY VACATION/ STREET/ALLEY/CLOSURE APPROVAL

Date: _____ Case #: _____

PLEASE TYPE OR PRINT

Name of/Street/Alley/ROW: _____

Property Owner of Record: _____Phone #: _____

Mailing Address: _____City/State: _____Zip _____

Property Owner E-Mail Address: _____

Applicant: _____ Phone # _____

Mailing Address: _____City/State: _____Zip _____

Applicant E- Mail Address: _____

Representative: _____Phone #: _____

Mailing Address: _____City/State: _____Zip _____

Representative E-Mail Address: _____

Engineer/Surveyor: _____Phone #_____

Mailing Address:_____City/State: _____Zip_____

Engineer/Surveyor E-Mail Address: _____

Closure Street Address Location: _____

Inside of Memphis City Limits _____ Yes No

Unincorporated Shelby County _____ Yes No

City of_____Reserve Area _____ Yes No

Distance to nearest intersecting street: _____

_____

Area of ROW: _____Square-Feet/Acres Length x Width of ROW:_____Feet

Closure starts at:_____and

Proceeds to_____

Reason for Closure:_____

_____

_____

_____

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _____with _____

I (we) hereby make application for approval of the street/alley closure described above and on the accompanying materials and closure plat. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date
Property Owner of Record*	Date	Applicant	Date

Every property owner that both abuts the right-of-way to be closed and will be deeded a respective portion shall sign this application unless the signee above is a duly elected representative of a homeowners or property owners association that will be taking ownership of the vacated right of way. See Item H at the bottom of this application for further instructions and exceptions.

Types of Vacation (from Chapter 9.8 of the Unified Development Code)

1. **Conversions** (public-to-private street conversions, pursuant to Section 5.2.18 of the UDC)

   Note: street conversions entirely within approved subdivisions or planned developments shall be processed as revisions to the subdivision plat or planned development plat. Please refer to those appropriate applications.

2. **Physical closures** (street and alley closures that involve the physical closure of an existing street or alley)
3. **Abandonment** (divesture of abandoned or excess right-of-way, paper streets, paper alleys and easements)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

GUIDE FOR SUBMITTING
RIGHT-OF-WAY VACATION/CLOSURE APPLICATION

A **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the preliminary closure plat, shall be provided on sheets of 8.5"x11" in size. The application with original signatures of the applicant and adjacent property owners to the street or alley to be closed shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:

1) This application, 8.5"x11" Preliminary Closure Plat, Metes & Bounds Descriptions, Vicinity Maps, Property Deeds & Easements of Record, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Preliminary Closure Plat (folded), Original Instrument of Dedication.
2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".

B **METES AND BOUNDS DESCRIPTION**

Two (2) copies of a metes and bounds description of the right-of-way to be closed, and four (4) copies of metes & bounds descriptions of those portions of the right-of-way which are to be quit claimed to adjacent property owners. Descriptions must read to the centerline unless the properties on either side of the right-of-way are under the same ownership.

CLOSURE PLAT*

C Two (2) prints 20" x 24", eight (8) 8.5" x 11" reduced copies of the closure plat drawn to scale (1"=50' or =100') and prepared, certified and sealed by a Civil Engineer or Surveyor registered in the State of Tennessee. The plat must show the names of abutting property owners, all bearings and dimensions of the alley or street, dimensions and legal descriptions of abutting lots, existing buildings on adjacent lots, driveways, utilities, easements to be retained and a vicinity map.

*A closure plat is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

VICINITY MAP

D Two (2) copies showing the subject property (boldly outlined) and all parcels adjacent to the section of the street or alley being closed. Show for each parcel its dimensions, owner's name (on the vicinity map unless prior approval is given to do otherwise) and the public streets, alleys or private drives that it abuts. In situations where the parcels on the map are so small that the property owner's names are unable to fit and numbered legend is used, every effort should be made to place the legend on the map itself and not a separate sheet.

E **LIST OF NAMES AND ADDRESSES**

1) Two (2) complete lists of names and mailing addresses, including zip codes, of all owners shown on the vicinity map, typewritten on 1"x $2^{5/8}$" self-adhesive mailing labels and 2 paper sets. Three (3) sets of gummed back mailing labels and paper copies are needed for subject properties located in Shelby County but within five (5) miles of the Memphis City limits.
2) Two (2) self-adhesive mailing labels (1"x $2^{5/8}$") each for the owner of record, applicant, representative and/or engineer/surveyor.

DEDICATION INSTRUMENT

F A copy of the instrument which dedicated the right-of-way for public use must be submitted with the application.

*A dedication instrument is unnecessary for Street Closure Example 4 (see Pine Street Closure below).

G **FILING FEES** ***(All Fees Are Subject To Change without Prior Notice)***

Submit a non-refundable check or money order in the amount of $400.00. Make check payable to "M/SC Office of Planning and Development"

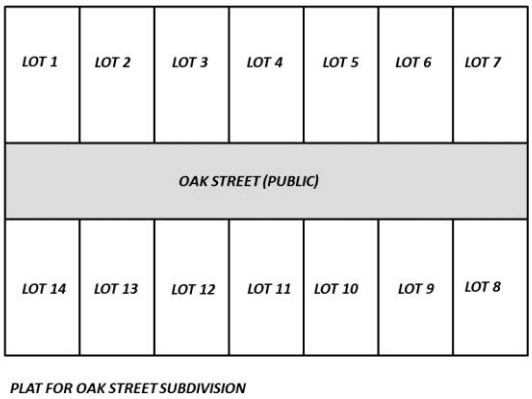
H. **SIGNATURES** (from Section 9.8.2 of the Unified Development Code)

The official application form shall include the signatures of all abutting property owners. If any abutting property owners refuse to sign the application, the governing body may delete that portion of the right-way if they so choose. Abutting property owners are those owners who will be recipients of all or a portion of the right-of-way proposed to be vacated and are the owners of record at the time the right-of-way vacation application is filed with the Planning Director. To qualify as a recipient of all or a portion of former right-of-way, an abutting property owner's parcel must be identified on the subdivision plat or Planned Development final plan through which the right-of-way proposed for vacation was originally dedicated to the City or County and that parcel must abut the right-of-way proposed for vacation. See graphics below for explanation. *Note: After an application has been filed with the Planning Director, the withdrawal of consent to the closure by an abutting property owner is prohibited.*

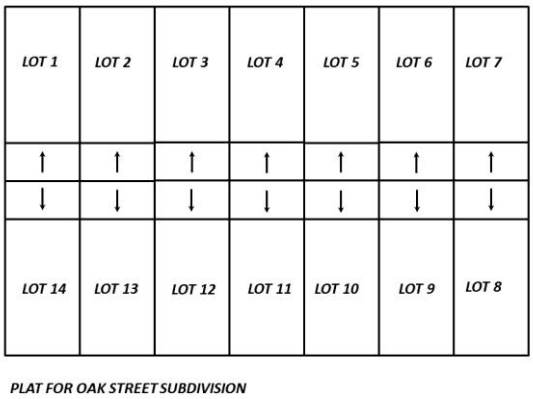
TYPES OF STREET CLOSURES

Example 1: Oak Street Closure.

Oak Street is a paper street that was never constructed. It is now strewn with weeds and undergrowth and the abutting owners now wish to take the area over and make it part of their rear yards. Oak Street was dedicated to the public with the recording of Oak Street Subdivision. This portion of Oak Street is abutted by Lots 1-14 of Oak Street Subdivision. Owners of Lots 1-14 will be required to sign off the application and be deeded their half of the street, unless the governing bodies approve the closure specifically allotting their half of the street to another property owner who has signed the application.

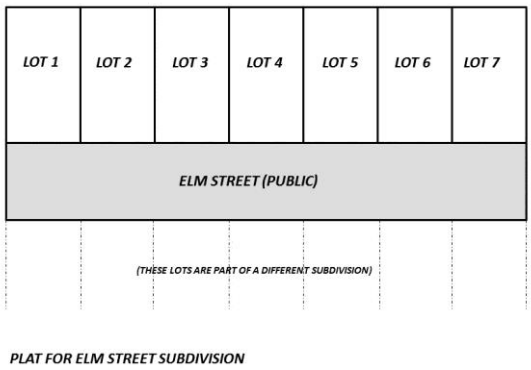


Before closure.

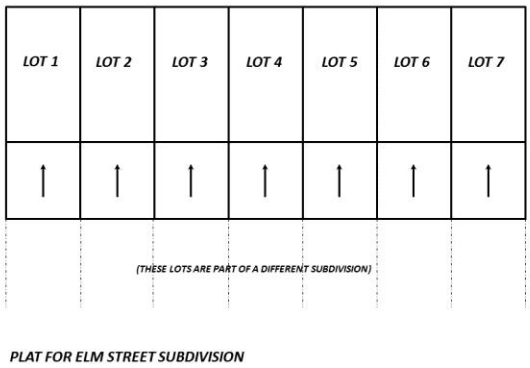


After closure.

Example 2: Elm Street Closure.
Like Oak Street, Elm Street is a paper street and was never constructed. Unlike Oak Street, Elm Street was dedicated through a plat with lots on only one side of it. Therefore, only the lot owners on that side of the street will be required to sign the application.

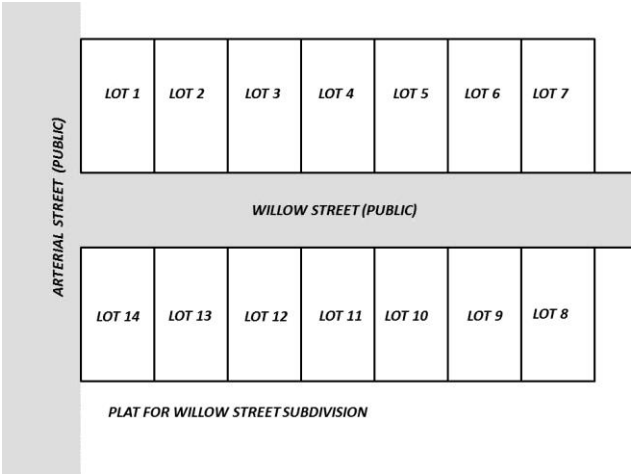


Before closure.

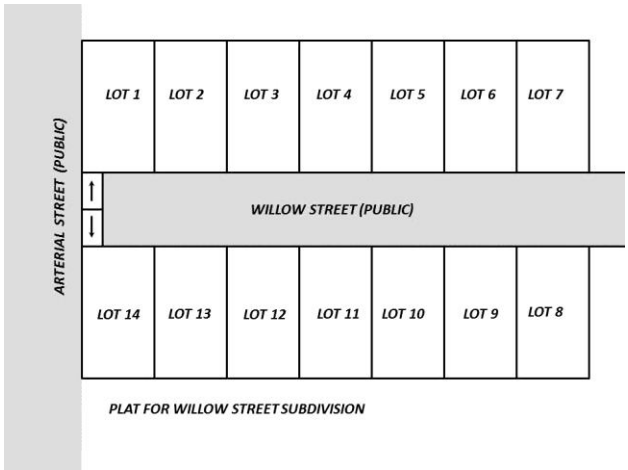


After closure.

Example 3: Willow Street Closure.
Unlike Oak and Elm Streets, Willow Street is a built City street open to the public. Concerned with the traffic that cuts through the neighborhood from Arterial Street, the owners of Willow Street have proposed that the street remain public, but that the street be closed off at Arterial Street. Willow Street connects to the system of city streets from the other direction. With this scenario, only the owners of Lot 1 and 14 will be required to sign the application since only a small portion of Willow Street will be deeded to them.



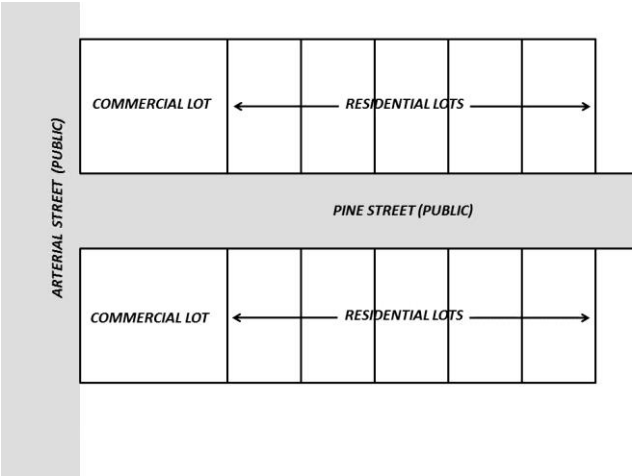
Before closure.



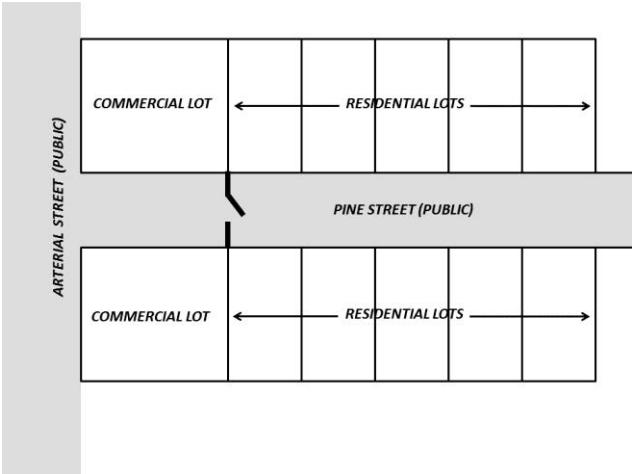
After closure.

Example 4: Pine Street Closure

Like Willow Street, Pine Street is a built City street open to the public. Unlike Willow Street, the owners along Pine Street do not want to vacate any right-of-way; instead, they wish to erect a gate for emergency access only in the public street. Pine Street connects to the system of city streets from another direction. This will not require any right-of-way to be deeded. However, it will require covenants to be recorded that will bind either the adjacent property owner(s), all lot owners within the subdivision or a homeowners association to take full responsibility and ownership of the gate and to hold the City or County harmless for any damages to the gate or vehicles that have struck the gate.



Before closure.



After closure.

Example 5: Street Closures with active Homeowners Associations.

If a street is to be closed and converted to a private drive that will be maintained by a duly chartered homeowners or property owners association, only the representative of the association will be required to sign the application.

ALL APPLICATIONS MUST BE SUBMITTED IN PERSON AND THE SUBMITTER MUST RECEIVE A RECEIPT OF ACCEPTANCE FROM STAFF